

Translation

PATENT COOPERATION TREATY

PCT/EP2003/013688



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

20 JUN 2004

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P801968/MB	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/013688	International filing date (day/month/year) 04 December 2003 (04.12.2003)	Priority date (day/month/year) 20 December 2002 (20.12.2002)
International Patent Classification (IPC) or national classification and IPC H04N 7/18, 5/33, B60R 1/00		
Applicant DAIMLERCHRYSLER AG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.
☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 21 June 2004 (21.06.2004)	Date of completion of this report 23 December 2004 (23.12.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International Application No.

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I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☒ the description:
 pages 1-7, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages 1-7, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the drawings:
 pages 1/2-2/2, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	3	YES
	Claims	1, 2, 4-7	NO
Inventive step (IS)	Claims	3	YES
	Claims	1, 2, 4-7	NO
Industrial applicability (IA)	Claims	1-7	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following documents:

D1: DE 40 32 927 A (BOSCH GMBH ROBERT) 30 April 1992
(1992-04-30)

D2: DE 101 26 492 A (DAIMLER CHRYSLER AG) 19
December 2002 (2002-12-19)

D3: DE 101 04 734 A (DAIMLER CHRYSLER AG) 29 August
2002 (2002-08-29)

D4: US-A-6 150 930 (COOPER ALAN NEAL) 21 November
2000 (2000-11-21)

D5: US-A-5 414 439 (SHOGREN WILLIAM G ET AL) 9 May
(1995-05-09)

The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claims 1, 2 and 4-7 is not novel (PCT Article 33(2)).

Claim 1

D1 discloses (the references in parentheses relate to said document): "A method for detecting surroundings using an automobile night vision system" (title), wherein

- the system comprises a plurality of areas:

- a detection area, in which the night vision system is sensitive at least to optical radiation in the IR

wavelength range and detects surroundings-related data (figure, area 15) and

- a representation area, wherein information from surroundings-related data detected therein is optically represented using a display device (figure, area 15) and wherein
- the representation area comprises maximally the high beam area of the vehicle (figure, areas 13 and 15; column 2, lines 45-47; since the camera detects the entire area illuminated by the IR portion of the high beam, it is assumed that, for example, when visibility is not restricted by fog, the area shown on the display device 16 corresponds to the high beam area)."

In addition, D2 (in particular column 3, lines 57-63) and D3 (in particular column 2, lines 64-68) are considered relevant to the novelty of claim 1.

In order to formulate an admissible claim 1, the applicant needs to define more precisely and differentiate between the individual areas in terms of their characteristics and function (see, for example, page 3, lines 23-26).

Claim 2

D1 shows, in addition, a method in which an evaluation area is provided inside which the surroundings-related data detected by the night vision device is evaluated (see D1, column 1, lines 56-58, the claim is so broadly worded that any kind of further processing of the image - even its mere representation - can be deemed an evaluation. The concept of an evaluation area does not have a restrictive effect in this context, since it could be taken to mean the total image too).

Claim 4

D1 shows, in addition, a method in which the representation area comprises at least part of the low beam area (it is assumed that the high beam and the low beam of the vehicle known from D1 have a common area and that this therefore also applies to the representation area of the system in D1).

Claim 5

D1 shows, in addition, a method in which the representation area comprises at least the high beam area (see above).

Claim 6

D1 shows, in addition, a method in which the objects detected by the evaluation in the representation area are emphasised during the optical representation (in the system known from D1, it is assumed that the objects shown by the head-up display and which can be identified in the visible spectrum only with difficulty are emphasised; the term "emphasise" can be interpreted very broadly, and therefore a specification such as "colouring" or "contour representation", as indicated in page 5, second paragraph, would appear sensible).

Claim 7

D3 shows a method in which the information obtained from the objects detected during the evaluation in the evaluation area are supplied to vehicle-internal systems for further evaluation (see D3, paragraph [0033]).

Further observations

1. The features of the claims have not been provided with reference signs placed between parentheses (PCT

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Rule 6.2(b)).

2. Contrary to PCT Rule 5.1(a)(ii), the description does not cite D1, D2 or D3 or indicate the relevant prior art disclosed therein.

Box VIII

1. The terms "high beam area" in claim 1 and "tolerance area" in claim 3 are vague and unclear and leave the reader uncertain as to the meaning of the technical feature in question. Consequently, the subject matter of these claims is not clearly defined (PCT Article 6).
2. Claim 6 refers to the "evaluation in the representation area". However, it is assumed that the applicant means the evaluation in the evaluation area.
3. Since claims 5, 6 and 7 relate to the evaluation area, a back reference is possible only to claim 2 and not to claim 1.